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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Documents of the Security Council (symbol S/ . . .) are normally published in quarterly *Supplements* of the *Official Records of the Security Council.* The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council.* The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

2476th MEETING

Held in New York on Monday, 12 September 1983, at 3.30 p.m.

President: Mr. Noel G. SINCLAIR (Guyana).

Present: The representatives of the following States: China, France, Guyana, Jordan, Malta, Netherlands, Nicaragua, Pakistan, Poland, Togo, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire, Zimbabwe.

Provisional agenda (S/Agenda/2476)

1. Adoption of the agenda

2. Letter dated 1 September 1983 from the Acting Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/15947);
   Letter dated 1 September 1983 from the Permanent Observer for the Republic of Korea to the United Nations addressed to the President of the Security Council (S/15948);
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   Letter dated 1 September 1983 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/15950);
   Letter dated 2 September 1983 from the Acting Permanent Representative of Australia to the United Nations addressed to the President of the Security Council (S/15951)

The meeting was called to order at 4.55 p.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 1 September 1983 from the Acting Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/15947);

Letter dated 1 September 1983 from the Permanent Observer for the Republic of Korea to the United Nations addressed to the President of the Security Council (S/15948);

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Letter dated 2 September 1983 from the Acting Permanent Representative of Australia to the United Nations addressed to the President of the Security Council (S/15951)

1. The PRESIDENT: In accordance with decisions taken at the previous meetings on this item [*2470th to 2474th meetings*], I invite the representative of Canada and the Observer for the Republic of Korea to take places at the Council table. I invite the representatives of Australia, Bangladesh, Belgium, Bulgaria, Chad, Colombia, Costa Rica, the Dominican Republic, Ecuador, Egypt, Fiji, the German Democratic Republic, the Federal Republic of Germany, Guatemala, Ireland, Italy, Japan, Kenya, Liberia, the Libyan Arab Jamahiriya, Malaysia, New Zealand, Nigeria, Paraguay, the Philippines, Portugal, Sierra Leone, Singapore, Spain, Sweden and Thailand to take the places reserved for them at the side of the Council chamber.

At the invitation of the President, Mr. Pelletier (Canada) and Mr. Kim (Republic of Korea) took places at the Council table; Mr. Joseph (Australia), Mr. Chowdhury (Bangladesh), Miss Dever (Belgium), Mr. Garvalov (Bulgaria), Mr. Barma (Chad), Mr. Albán Holguín (Colombia), Mr. Zumbado Jiménez (Costa Rica), Mr. Knipping Victoria (Dominican Republic), Mr. Albornoz (Ecuador), Mr. Khalil (Egypt), Mr. Radrodro (Fiji), Mr. Ott (German Democratic Republic), Mr. Jelonek (Federal Republic of Germany), Mr. Delprée Crespo (Guatemala), Mr. McDonagh (Ireland), Mr. La Rocca (Italy), Mr. Kuroda (Japan), Mr. Wabuge (Kenya), Mrs. Jones (Liberia) Mr. Treiki (Libyan Arab Jamahiriya), Mr. Fadzillah (Malaysia), Mr. Harland (New Zealand), Mr. Fafowora (Nigeria), Mr. Cabello Sarubbi (Paraguay), Mr. Moreno Salcedo (Philippines), Mr. Medina (Portugal), Mr. Koroma (Sierra Leone), Mr. Koh (Singapore), Mr. de Piniés (Spain), Mr. Amneus (Sweden) and Mr. Kasemsri (Thailand) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT: I should like to inform members of the Council that I have received letters from the representatives of the Ivory Coast, the Sudan and Venezuela, in which they request to be invited to participate in the discussion of the item on the agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the

provisions of Article 31 of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Essy (Ivory Coast), Mr. Abdalla (Sudan) and Mr. Martini Urdaneta (Venezuela) took the places reserved for them at the side of the Council chamber.

3. The PRESIDENT: I should like to draw the attention of members of the Council to the following documents: S/15964, letter dated 7 September 1983 from the representative of Jamaica to the President of the Council; S/15965, letter dated 8 September from the representative of Indonesia, to the President of the Council; S/15967, note verbale dated 8 September from the Mission of Barbados to the Secretary-General; S/15968, letter dated 9 September from the representative of Austria to the President of the Council; S/15969, letter dated 9 September from the representative of Brazil to the President of the Council; S/15972, letter dated 9 September from the representative of Mongolia to the President of the Council; and S/15976, letter dated 8 September from the representative of India to the President of the Council.

4. Members of the Council also have before them a letter dated 9 September from the representative of Belize to the President of the Council [*S/15978*].

5. Members of the Council have before them, in addition, document S/15966/Rev.1, which contains the text of a draft resolution, sponsored by Australia, Belgium, Canada, Colombia, Fiji, France, the Federal Republic of Germany, Italy, Japan, Malaysia, the Netherlands, New Zealand, Paraguay, the Philippines, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

6. Mr. MEESMAN (Netherlands): With the able and efficient help of the Secretariat, the sponsors of the draft resolution have now put before the Council a modified draft [*S/15966/Rev.1*]. The proposed changes are twofold: one concerns a reversal of the order of two preambular paragraphs, and the other is an addition, also in the preambular section of the draft resolution.

7. As members will have noted, the earlier fifth preambular paragraph, beginning with the words "Recognizing the right etc. . . . " has now become the seventh preambular paragraph. It was felt that the question of appropriate compensation should follow rather than precede the mention of an explanation of facts based upon an impartial investigation.

8. Equally in the preambular section, members will find an additional paragraph which reads

> "Recognizing the importance of the principle of territorial integrity as well as the necessity that only internationally agreed procedures should be used in response to intrusions into the airspace of a State."

9. The sponsors of the draft resolution would wish to avoid the impression that they might have any difficulty with these ideas. Indeed, they do attach importance to these notions and that is why they have thought it would be appropriate to include them in the draft.

10. I take it that members of the Council will find these two changes useful and that they will be able to join the Council members whose countries' names appear on the draft resolution to vote in favour of it. Surely the Council would not wish to disappoint the hopes placed in it by the peoples of the world. We feel, therefore, that it should state clearly that it deplores the incident, at the same time appealing to all States to see to it that a tragedy of this nature will not happen again.

11. The PRESIDENT: The next speaker is the representative of Portugal. I invite him to take a place at the Council table and to make his statement.

12. Mr. MEDINA (Portugal) (*interpretation from French*): First of all I should like to say how gratified we are to see you, Sir, occupying the presidential place in the Council, whose debates you have been directing with both skill and effectiveness. May I also, through you, thank the other members of the Council for having allowed my delegation to speak at this meeting.

13. The Portugese people was shocked and outraged to learn of the circumstances in which a plane which had been clearly identified as a Korean civil air liner was shot down on 31 August. It was a tragic incident which, having caused the death of 269 people, is therefore among the most serious in the history of civil aviation.

14. This was a catastrophe brought about by a deliberate attack perpetrated against all accepted rules concerning civil aviation and those applying in the case of a regularly scheduled commercial flight veering off course. Numerous precedents exist of diplomatic protests or interception carried out by fighter planes, but there has been no example of such a brutal contravention of the provisions of the Chicago Convention on International Civil Aviation of 7 December 1944[1] and its annexes as well as the provisions adopted by the International Civil Aviation Organization (ICAO). If these norms are not respected, there will be created a state of anarchy with tragic consequences for the orderly and secure use of that airspace intended for travel and for the security of civilian aircraft, which is an absolute prerequisite for free and peaceful coexistence among all States.

15. Portugal therefore joins with other members of the international community in requesting complete explanations on the part of the Soviet authorities of an incident of immense international import whose tragic human dimensions they continue to disregard, thus aggravating the suspicions already aroused by this attack and flying in the face of all indisputable moral and legal considerations.

16. No argument relating to the security of States can be invoked as a pretext for the use of force in conditions which jeopardize the recognized principles of *jus cogens* and accepted norms of the international community,

These are principles and rules which the Soviet Government would indeed be the first to invoke were one of its planes to be subjected to a similar act of aggression. It is therefore obvious to world public opinion that the Soviet Union should fully shoulder its responsibility for this incident, grant permission for an inquiry to be carried out on the spot and give all information that might contribute to shedding light on this deplorable affair, punish those responsible and take all measures likely to prevent the recurrence of such incidents.

17. Finally, I take this occasion to repeat the condolences and sympathy for the victims of this horrifying incident which the Portuguese Government had previously directed to the Government and people of Korea.

18. The PRESIDENT: The next speaker is the representative of Venezuela. I invite him to take a place at the Council table and to make his statement.

19. Mr. MARTINI URDANETA (Venezuela) (*interpretation from Spanish*): First of all, Sir, I should like to take this opportunity to congratulate you on your assumption of duties as President for this month. We are convinced that with your skills and experience the deliberations which are being conducted today in this Council will have a successful outcome.

20. I should like also to express our gratitude to your predecessor, Mr. de La Barre de Nanteuil, the representative of France, who, in a most able manner, guided the deliberations of the Council during the month of August.

21. My delegation would like, through you, Sir, to thank the members of the Council for the opportunity given to us to participate in the discussion of this very important item.

22. On 31 August last, the peoples of the world were shocked by the tragic event of the destruction of a commercial plane of the Republic of Korea, flight 007, carrying 269 persons, passenger and crew, flying to Seoul. As we all know, it never reached its destination.

23. There are 269 passengers on board that flight—269 defenceless men, women and children, unaware of the sad lot awaiting them, not realizing that they would fall victim to an inhuman, inexplicable act which would take their lives on that fateful day of 31 August.

24. The Government of Venezuela express its profound sorrow at the loss of so many human lives and conveys its condolences to the families of the victims, the Governments of the Republic of Korea and the Governments whose nationals died in this tragic incident.

25. It is appropriate to express what was said by our President, Luis Herrera Campins:

> "It is truly inexplicable that at this stage in history there should occur a tragedy which would so profoundly shock the peace-loving conscience of the world, particularly of so many people who travel. So far I have heard no motive nor reason which may have any validity, and, of course, we add our voice to all those who have condemned this action, which, I repeat, is totally inexplicable and unjustifiable."

26. Therefore, my country deems it essential to conduct an impartial and objective investigation to settle with precision all the unanswered questions which surround this act. States must realize, when there is a violation of their airspace, that the principles which govern the norms of protection and safety of international civil aviation must be respected and guaranteed. In this connection, as a member of ICAO, and in conformity with its norms and procedures, we lend our full support to the proposal that it conduct the necessary investigations in order to obtain objective information on this most regrettable situation.

27. My Government deplores and condemns acts such as this. Venezuela is a country devoted to human rights and to compliance with international law. We are committed to the maintenance of international peace and believe that all procedures must be exhausted, and all requirements met, to ensure that events such as this do not recur.

28. The PRESIDENT: The next speaker is the representative of the Ivory Coast. I invite him to take a place at the Council table and to make his statement.

29. Mr. ESSY (Ivory Coast) (*interpretation from French*): Mr. President, I thank you, as well as the members of the Council, for having been good enough to give my delegation an opportunity to take part in this debate on the sad event which rightly prompted this series of meetings.

30. Knowing you personally, Sir, and your intellectual and diplomatic talents, we are assured that despite all the difficulties inherent in a debate involving the present protagonists, the Council will be able to take a decision in keeping with the expectations of the international community, in the face of this human tragedy which shocks all of us, potential victims that we may be, if an act such as this were to take place in a different setting.

31. In learning of the tragic outcome of the Korean airlines flight, the President of the Republic of the Ivory Coast addressed to the President of the Republic of Korea the following message which, with your permission, Mr. President, I should like to read:

> "Profoundly shocked at the destruction by a Soviet fighter of a Korean Air Lines aircraft, bringing about the death of 269 people, the Government and people of the Ivory Coast have asked me to convey through you our most heartfelt condolences and sympathy to the families of the victims.
>
> "Fully sharing the pain and sorrow of the Korean people, we bow our heads to the victims of this unprecedented act of aggression against a defenceless civil aircraft."

32. All of us in this chamber followed with emotion the tapes of the events which preceded the disappearance of the South Korean aircraft. The clipped, emotionless, cruel professionalism of the pilot announcing that the missile had been launched and that the target had been hit seemed more like a science-fiction film where robots without heart or soul were massacring their victims after having methodically tracked them down. Unfortunately, this was not a film but reality: 269 people were murdered because they had unintentionally intruded into forbidden airspace.

33. The establishment of the facts and circumstances of the events, as presented by the Soviet Union, still leave us puzzled. First, it was completely silent over the announcement of the disappearance of the aircraft. Then, having determined that an "unidentified" aircraft had penetrated Soviet airspace and been tracked by aircraft of its air defence, it finally acknowledged that those fighter planes had executed the order to terminate the flight, without knowing, according to TASS, that it was a civil aircraft.

34. A host of questions may indeed be asked about the circumstances surrounding this tragedy, and some of them, quite appropriately, were raised by the representative of Singapore in his statement before the Council [*2473rd meeting*]. For our part, we are convinced that no provision of public international law, no specific rules governing international civil aviation, nor any practice on this subject could have justified this inherently ignoble act.

35. We want peace and aspire to achieve it. Without it no development is possible. We shall spare no sacrifice to contribute to achieving peace between those who can truly guarantee it. Peace, as President Houphouët Boigny said, is not just a word: it is an attitude. We therefore expect States, particularly when they are powerful, to display an attitude which will truly attest to their wish for peace, which has so often been stated in their international relations.

36. The PRESIDENT: The next speaker is the representative of the Sudan. I invite him to take a place at the Council table and to make his statement.

37. Mr. ABDALLA (Sudan) (*interpretation from Arabic*): I should like at the outset to convey our heartfelt congratulations to you, Sir, and to the Government and people of your friendly country on your assumption of the presidency for this month. Your diplomatic expertise and rich experience will undoubtedly be conducive to the success of the Council's business; they will also enable you to guide its deliberations ably and wisely.

38. I should like also to convey our thanks and gratitude to your predecessor the representative of France, whose skill in conducting the Council's business last month deserves our admiration and appreciation.

39. The Government and people of my country learned with great grief the shocking news of the destruction of a Korean Air Lines civil aircraft on its regular flight from New York to Seoul. That tragedy has shocked the international community as a whole and caused deep grief and indignation. On behalf of the Government and people of my country, I should like to express our sincere condolences and sympathies to the families and countries of the victims.

40. The shooting down of the Korean civil air liner by the Soviet Union and the great loss of life resulting therefrom are totally deplored and condemned by the Government and people of the Democratic Republic of the Sudan. All the reasons given by the Soviet Union for its misdeed can in no way justify the killing of 269 passengers, whose loss has shocked the international conscience.

41. We thought that a super-Power so advanced in the field of outer space, as is the Soviet Union, would be able to detect and identify any aeroplane or object flying in its airspace. Instead of what has happened, the Soviet authorities should have rendered aid and support to the aircraft, in accordance with the rules of civil aviation. It is regrettable that all the facts of the circumstances surrounding that incident are not yet before the Council and the international community. The Soviet Union should have made known all the facts and information at its disposal. We still hope that it will respond to the repeated calls made in the Council to co-operate with the international community and unveil the facts to enable the Council and competent international organizations to take all technical, administrative and security measures for the improvement of the rules of international civil aviation to prevent a recurrence of such incidents in the future.

42. My delegation associates itself with the delegations of other States which have expressed their concern at the violation of the safety of civil aviation caused by the shooting down of the Korean air liner. Civil aviation has become one of the most important means of communication and rapprochement among nations and peoples in our world. Therefore, we believe it necessary to conduct immediately a thorough investigation of all the circumstances of this human tragedy and to take all appropriate measures to guarantee the safety of international civil aviation and thereby build confidence among the members of the international community. We demand that the Soviet Union pay compensation to the families of the victims.

43. Once again, we should like to express to the Government and people of the Republic of Korea and the families of the victims our sincere condolences and sympathies on this painful incident.

44. The PRESIDENT: The next speaker is the representative of Canada, on whom I now call.

45. Mr. PELLETIER (Canada): On behalf of the Government of Canada, I am grateful to the Council for this further opportunity to participate in this emergency debate. It has been exactly 10 days since I last addressed the Council on behalf of my Government [*2470th meeting*] to express the horror and outrage felt in Canada and

to propose a series of actions for Council consideration in dealing with the deliberate destruction of a Korean 747 air liner.

46. In a long-delayed statement, the Soviet Government finally acknowledged that its fighter aircraft did indeed "stop" with missiles that defenceless civilian aircraft . The grudging condolences expressed to the families of the bereaved by the Soviet Government are far from adequate. Where is any sense or expression of remorse? When will the Government of the Soviet Union accept responsibility for the consequences of its shocking acts? Vain attempts to evade responsibility by blaming others, inadequate and implausible explanations, and the absence of any offer of help or assistance to the victims' families all mark Soviet retreat into paranoia.

47. In Madrid, on 7 September, Soviet Minister for Foreign Affairs Gromyko stated: "The borders of the Soviet Union are sacred." We are not here to quarrel about the inviolability of Soviet frontiers, but we cannot and will not accept that the lives of innocent civilians should be so viciously subordinated to that assertion of Soviet sovereignty. We find the Soviet 1982 law most disturbing. It violates internationally agreed rules for interception. Could this tragedy be repeated should another civilian air liner innocently stray into Soviet airspace? The Soviet Union has left no doubt about its intentions. The international community must make every effort to avoid such a tragic repetition. Borders may or may not be sacred, but the lives of innocent civilians are unquestionably so. May I remind the Soviet Government of the following comments of President Podgorny on the fiftieth anniversary of Soviet civil aviation in 1973:

> "It is well said that civil aviation needs a clear sky. Our attitude in this regard is fundamental and unswerving. We set human life and well-being above everything else."

Why, I ask, has the Government of the Soviet Union repudiated those noble concepts?

48. Canada, an aggrieved party in these events, still has not received an official response from the Soviet Government to our demand for an explanation of the circumstances surrounding the tragic death of the Canadians on board.

49. The Government of Canada maintains its position that the Soviet Union must fully explain its part in this disaster. We have provided ample time and opportunity for it to do so. On 6 September, the Canadian Deputy Prime Minister and Secretary of State for External Affairs, Mr. Allan J. MacEachen, again called for a full and impartial international investigation. I repeat that call here today. Allegations about weather conditions, the lights of the Korean Air Lines 747, and the actions of the Soviet fighter aircraft, can be answered only by such an international investigation. Then the international community will be in a position to review and to consider improvements to the rules, regulations and practices of international civil aviation to prevent any recurrence.

50. To impress upon the Soviet authorities the gravity and determination with which we view this matter, the Canadian Government announced its decision to suspend, for a period of 60 days, the rights of Aeroflot to the use of Montreal's Mirabel airport for its scheduled and charter flights. Canada has also suspended further consideration of arrangements for Soviet use of Gander airport. We hope these actions, together with those of other nations, will prompt a review by the Soviet authorities of the merits of continuing to evade their responsibility for the deaths of Canadians and of so many other innocent passengers. Canada's actions reflect the views not only of the Canadian Government but of Canadians everywhere. The Canadian public has been outraged by this barbarous act. In the face of continuing Soviet prevarication, the growing groundswell of Canadian opinion demands a full and complete accounting. We welcome actions by other countries similar to those taken by Canada in an effort to hasten that day of accounting.

51. The Canadian Government has formally reserved all its rights in international law to compensation from the Soviet Union for the loss of Canadian lives. On 8 September 1983, Canada officially notified the Soviet Union of this fact, and is now proceeding to prepare its claim for presentation to the Soviet authorities. All justifications provided thus far by the Soviet Union do not alter the fact that it acted illegally in shooting down the civil air liner. That wrongful act in itself gives rise under international law to a responsibility on the part of the Soviet Union to provide appropriate compensation.

52. Furthermore, Canada believes that the Soviet Government should also assist the bereaved families in a humanitarian fashion—for example, in a co-ordinated international search for remains of the deceased, in the organization of memorial services for them, and in providing whatever information and documentation can be of comfort and utility to the families of the victims.

53. We count on members of the Security Council to deal effectively with this issue, which touches on agreed principles, procedures, and rules of civil aviation that affect the safety of us all. We would note that failure to do so could prove to be a backward step, particularly at this time, when members of the Council have been informally exploring ways to improve its effectiveness, a process that Canada strongly endorses.

[*The speaker continued in French.*]

54. It is not enough to express here our anger and sorrow; the international community must move forward. The only fitting monument that we can construct to the memory of these innocent victims is one of improved international civil aviation safety procedures that will effectively prevent a repetition of this tragedy. To this end, Canada supports the convening of a special session of the Council of ICAO. There is no doubt that the establishment of more effective civil aviation safety procedures, as well as a better definition of the relationship between those procedures and military procedures, will benefit everyone. We therefore expect positive, constructive

results from the forthcoming deliberations of ICAO, and Canada will work actively to that end.

55. The draft resolution submitted to the Council [*S/15966/Rev.1*] recognizes the plight of the bereaved, the right to compensation and the need for a full explanation of the incident. It reaffirms the relevant principles of international law. It deplores the tragedy and calls on the international community to strengthen the safety of international civil aviation through ICAO. It invites the Secretary-General to conduct a full investigation, with the full co-operation of all States, which of course must include the Soviet Union. The thrust and content of the draft resolution therefore reflect the concerns and objectives of the Canadian Government. Having carefully followed the debate, we believe that the draft resolution faithfully reflects the comments and concerns of almost all the countries that have spoken here. This text is not mere rhetoric; we believe that it is well-balanced and constructive, as we would wish it to be.

56. My Government believes that the draft resolution merits the support of all members of the Council and the whole international community.

57. Mr. TROYANOVSKY (Union of Soviet Socialist Republics) (*interpretation from Russian*): In its statement of 6 September, the Soviet Government evaluated the incident which occurred with the South Korean air liner on the night of 1 September. It expressed its regret at the fact that innocent lives had been lost, and also expressed sympathy with the friends and relatives. At the same time, the Soviet Government vigorously condemned this gross provocation against the sovereignty of the Soviet Union and emphasized that responsibility for it lay with ruling circles in the United States.

58. In view of the importance of what has occurred, the Soviet Union set up a governmental commission in order carefully to investigate the circumstances surrounding the incident. As a result of the investigation which has been carried out, it has been established that the invasion of the South Korean civilian plane into Soviet airspace was a deliberate and carefully pre-planned intelligence operation, directed from the territory of the United States and from Japan. The civilian plane was deliberately chosen without even considering—perhaps very carefully considering—the possibility of victims.

59. The factual side of events established by the commission was reported on by the Chief of Staff of the Armed Forces of the Soviet Union, Marshall Ogarkov, at a press conference held on 9 September in Moscow. The facts appear as follows.

60. The flight of the South Korean plane can be divided into three stages.

61. The first stage was the start of the flight. Shortly after takeoff from an interim stop at the airport of Anchorage in Alaska, the plane proceeded to follow a route not established under international rules, but set out to Kamchatka. When it was discovered by Soviet radar at a point 800 kilometres to the north-east of the town of Petropavlovsk-Kamchatskiy, it had already deviated from its route about 500 kilometres. All that time the flight was within range of the radar services of American ground personnel and of United States anti-aircraft forces. In those conditions "to lose" the plane and not to be aware of such a considerable deviation from its normal, established course is impossible; it is simply ruled out. One wonders why they did nothing to correct this if in fact it was a regularly scheduled plane. So far no reply on this score has been received from the United States.

62. It is known that the international route in question is equipped with modern radio and technological means to serve the flights. Approximately 12,000 planes travel it every year. Those responsible for control of flights on that international route are, in the case of the part of the route from Alaska to Kamchatka, the ground services of the United States, and then those of Japan. Special control points have been established along the route: Nebi, Neevi, Nippi and others, and at each of these the regularly scheduled planes have to determine their position and report to the ground, and the ground services track their passage through those points very closely. Now, one wonders why, in the absence of such reports on the transit of the South Korean plane through those specific control points and particularly since there appeared to be no regularly scheduled plane on that route, the American services in that case did not immediately sound the alarm. Up to now there has been no reply to that question either.

63. It is particularly noteworthy that the South Korean plane came within range of the Soviet radar stations precisely where American intelligence planes are regularly on duty, in particular the RC-135s. This time the RC-135 intelligence plane in that area was discovered at 2.45 a.m. local time—Kamchatka time—on 1 September. It was carrying out some rather peculiar manoeuvres. At 4.51 a.m. Kamchatka time, in the same area and at the same altitude—that is, 8,000 metres—a second plane was detected whose radar characteristics were similar to the RC-135 plane. The planes drew together until their images on the radar screen became completely merged and for some time, approximately 10 minutes, they travelled alongside each other. Then one of them, as had frequently been observed before, set out for Alaska and the other one proceeded to travel to Petropavlovsk-Kamchatskiy. Naturally, at the Soviet anti-air defence command points the conclusion was drawn that an intelligence plane was drawing close to Soviet airspace.

64. Here I think it would be appropriate to draw attention to the material which has been published in the American press regarding the activities of American intelligence planes. For example, on 7 September, *The Washington Post*, reported that American Air Force sources with firsthand knowledge of intelligence flights acknowledged outright that part of the job of these planes was to determine how Soviet radar installations reacted to the invasion of alien planes, how many fighters they mobilized and from what specific bases in order to intercept them. This intelligence data could not be gained through artificial satellites.

65. The second stage—the actions over Kamchatka. At 5.30, the intruder approached Kamchatka. It proceeded directly to the most important base belonging to the Soviet nuclear strategic forces. It did not reply to any request made by Soviet ground services or the air defence planes. At the same time, radio monitoring stations noticed a number of very short co-ordinated signals which are normally used for the transmission of intelligence information.

66. During that time, the anti-aircraft forces were simply devoting their efforts to getting in touch with the plane by using the usual call sign, which is carried out on the established international emergency frequency, 121.5 Mhz, both from the ground and from the anti-aircraft planes, in order to make it land at the nearest Soviet airfield, but this was unsuccessful and the intruder continued to proceed towards the Sea of Okhotsk.

67. The third stage—actions near Sakhalin. The actions of the intruder became provocative. As we have heard, it did not react at all to the warning signals transmitted by the Soviet interceptors and, furthermore, it started to manoeuvre towards an area and at a height and speed which was clearly different from those of the pursuing planes. It is extremely significant that at 6.02 Sakhalin time the intruder plane suddenly changed course and proceeded to fly round the positions of our anti-aircraft-missile bases and to pass over extremely important military installations in the southern part of Sakhalin. There can be no doubt remaining that this was indeed an intelligence plane.

68. When the intruder reached the south-west part of Sakhalin, a final attempt was made to induce the intruder to land at an airfield and, for that purpose, at 6.20 Sakhalin time, four bursts of warning shells were fired, with tracers, to a total of 120 rounds. Since thereafter the intruder still failed to obey the demands and tried to escape and generally to move towards Vladivostok, the interceptors were ordered to abort the flight, using missiles, and that in fact was done.

69. That, then, is the factual side of the events surrounding the incident in connection with the South Korean plane.

70. The representatives of the United States are now doing all they can in an attempt to prove that the "Soviet Union, from the very outset, had intended deliberately to destroy a civilian air liner". But that is ridiculous. If, in fact, that had been our purpose, it could have been achieved many times over and could have been carried out, in fact, over Kamchatka, with the help of anti-aircraft missiles launched from the ground, without even bothering to scramble fighter planes.

71. The Soviet pilots flying towards the intruder could not know that this was a civilian plane. Events over Kamchatka and Sakhalin were going on at the dead of night, in very cloudy conditions and at the very highest level at which the intruder was flying. In violation of international rules, it was flying without any navigational lights and did not in fact reply to any signals sent to it. Furthermore, according to an inquiry carried out by the Canadian paper *Citizen*, which seems to be published in Ottawa, dozens of people who have flown in South Korean planes on the Montreal-Anchorage-Seoul route have stated that when they draw near Soviet airspace all lights on those planes, including the cabin lights and the navigational lights, are normally extinguished and the passengers are advised to lower the plastic window-shades and turn out their own personal lights so that absolutely no light is seen from outside. Do we have to count all these bits of testimony by "Moscow agents" or do we have to take a rather careful look at what is now being presented in the West as the true picture of events?

72. We are astonished also at the fact that up to now no publicity has been given to the record of conversations between the South Korean pilot and American and Japanese navigational services. It is known that radio communication with this aircraft was maintained throughout the flight. What, then, was it transmitting to those services while it was in Soviet airspace? What instructions did it receive from American and Japanese ground personnel? The data made public by the Japanese authorities constitute a mere extract from—the gist of—the principal conversations between the ground services and the pilots on board the plane. They are not even a complete recording. The fact that these recordings have not yet been made public can indicate either that they contain material which is unpalatable in certain quarters or that they are being doctored to be brought into line with Washington's version of the events.

73. As to the television show produced in the Council by the United States delegation, it must be stated quite bluntly that that use of materials whose authenticity is more than dubious was simply an attempt to mislead the credulous. It is a fact that until yesterday American representatives, foaming at the mouth, were attempting to prove that there was no indication that the Soviet aircraft had indeed fired any warning tracer shots. Now the United States Administration has acknowledged that the Soviet pilot did in fact fire cannon bursts. How do we know that further corrections of this kind will not appear in due course—if, that is, the American authorities really want to make them public?

74. Furthermore, even leaving aside the question of the authenticity of the tapes, there are a number of very obvious discrepancies between the Russian text and the English—or rather, American—translation. For example, in Russian the pilot says that the aircraft he is pursuing "is not responding to the request". The translation reads that it has not responded to the "IFF"—the friend-or-foe query, which is normally used only by military aircraft. Needless to say, that sort of addition was by no means fortuitous, for on the basis of it the American President and, in his wake, the representative of the United States here in the Security Council drew extremely far-reaching and categorical conclusions about the actions of the Soviet pilot and about the type of equipment aboard Soviet aircraft.

75. Thus, the propaganda spectacle which was staged in the Council was a further attempt by the American Administration to set the discussion on an incorrect course and to avoid responding to some central issues.

76. Those issues are as follows: Why did the South Korean aircraft, which took off from the United States, deviate very soon from its international route by approximately 500 kilometres—and not to the left, towards the open sea, but to the right, towards the territory of the Soviet Union? Why did this aeroplane continue for such a long time to violate the airspace of the Soviet Union? Why did the route of this plane over Soviet territory coincide precisely with important military facilities? Why did the plane fly in violation of normal navigational rules and not react in any way to the attempts by Soviet ground and airborne anti-aircraft forces to make contact with its crew? Why did the American aviation services which were monitoring and were responsible for this flight not raise the alarm when the plane left its normal air corridor and proceeded to fly over the territory of the Soviet Union? Why was the alarm not raised by the Japanese ground services when the plane did not appear at the proper time and the proper place in the area of their responsibility? Why did neither American nor Japanese authorities contact the Soviet side until it was too late?

77. Instead of trying to find answers to these and many other questions and to find those responsible for the "bizarre events" which led to these tragic consequences, the American Administration proceeded immediately to utter slanderous insinuations against the Soviet Union in an attempt to smear it before the international community.

78. It should be noted in this connection that this is not the first time that the officials in Washington have played the innocent, denying or simply remaining silent about things they do not wish to reveal. Many of those present in this chamber will remember the events connected with the U-2 spy plane and the American intelligence ship *Pueblo*. On those occasions, too, the American authorities—at the very highest levels, indeed—actually lied in their attempts to deny that those were espionage missions, acknowledging that fact only when the facts forced them to the wall.

79. Quite recently, and by no means willingly, it was revealed that the American intelligence services had used and helped the Nazi criminal Klaus Barbie, who was responsible for the murder of many thousands of innocent people. But when the Soviet Union and many other countries raise—as they have done for many years now—the whole question of the American authorities giving shelter to that Nazi criminal and dozens of others, their accusations are either ignored or rejected by the United States Government.

80. The incident involving the South Korean aircraft cannot be considered in isolation from a particular political situation which has arisen in the world.

81. As members of the Council know, the Soviet Union has recently been taking a number of major foreign policy measures aimed at clearing the rather thick international atmosphere, and at improving conditions for holding talks which are vital to all peoples, talks relating to the reduction of nuclear arms: of medium-range weapons in Europe and of strategic weapons. Those measures are intended to broaden dialogue and to deepen mutual understanding between Governments, parliaments, public organizations, and leading citizens in many countries of the East and of the West, to renew détente and to normalize peaceful and mutually beneficial co-operation. What would be the point of the Soviet Union thwarting all these peaceful efforts by taking the actions which the American Administration, beginning with President Reagan, is attempting to impute to it?

82. The contrary is true: the criminal provocation by the South Korean aircraft must be seen as part and parcel of the foreign policy pursued by Washington. That policy is aimed at increasing international tension and at justifying its sabre-rattling. It clearly demonstrates Washington's "crusade" against communism aimed at sowing hostility and enmity among peoples, in the spirit of "the cold war". An integral part of this is the stepped-up activity of the United States Central Intelligence Agency under the present Administration. That activity has developed into systematic, unceremonious violations of the norms of international law, and a shameless game played with human life, aimed at creating conflict situations.

83. The noisy anti-Soviet campaign being pursued by the American Administration around the incident involving the South Korean aircraft shows that Washington's actions are motivated by no means by any humanitarian feelings or concern about the security of civil aviation, but rather by completely different factors. Those actions are an indication of the desire of United States ruling circles to use this whole tragic event to exacerbate an already dangerous international situation, to encourage the arms race and to justify their own militaristic policies and military preparations.

84. In a situation marked by heightened tension, anti-Soviet hysteria on the part of the leaders of the United States is being used precisely in order to evade the crucial international problems that affect the fate of peoples. Obviously, the timing of this provocation was no accident: the act occurred at the very time a decision was being taken on whether to end the arms race, whether the threat of nuclear war could be removed or whether that threat was to grow apace. The policy pursued by the American Administration in recent days indicates that the United States intends to continue to try and heighten its confrontation with the Soviet Union.

85. All attempts by Washington officials to try and cover themselves by spouting about "moral values", "humanitarianism" and the "value of human life" are unable to conceal the obvious truth. These words are used to camouflage a large-scale intelligence operation on the part of the United States with the deliberate use of a

civilian aircraft which from the very outset involved mortal danger for its passengers. Since this civilian plane served as a shield for the unsavoury and inhuman operations that have been carried out, the United States is now cynically endeavouring to drag through the Council a decision which would simply distract attention from those who are really responsible for the tragedy that has occurred.

86. If there is any question about possible action by the Security Council in connection with this incident with the South Korean plane, then once and for all there should be a definite prohibition on the use of civilian aircraft for intelligence purposes in deliberate violation of the airspace of other countries.

87. In view of the foregoing, the Soviet delegation will vote against the draft resolution now before the Council [*S/15966/Rev.1*].

88. The PRESIDENT: I understand that the Council is ready to proceed to the vote on the draft resolution submitted by the delegations of Australia, Belgium, Canada, Colombia, Fiji, France, the Federal Republic of Germany, Italy, Japan, Malaysia, the Netherlands, New Zealand, Paraguay, the Philippines, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America [*ibid*].

89. If I hear no objection, I shall put that draft resolution to the vote.

90. First, I shall call on those members of the Council who wish to make statements before the vote.

91. Mr. LOUET (France) (*interpretation from French*): In my earlier statement a week ago [*2470th meeting*] I expressed the feelings of indignation and horror of France at the news of the destruction of a civil air liner in flight.

92. As stated by Mr. Cheysson, "no words can describe what happened to the Korean Boeing". In that statement the French Minister for Foreign Affairs also stressed that we should see to it that similar tragedies never recur. That is why France is a sponsor of the draft resolution now before the Council [*S/15966/Rev.1*].

93. Aside from the thorough investigation which the Secretary-General is asked to conduct to shed full light on the circumstances of this tragedy, the text before the Council stresses the need to enhance the safety of international civil aviation and prevent a recurrence of such acts. To this end, it urges all States to co-operate fully with ICAO.

94. As was so eloquently emphasized earlier by the Permanent Representative of Canada, it is in this context that the necessary improvements in civil aviation law must be established. That is why France supported the request for an urgent meeting of this body. Over and above the inquiry to be conducted in keeping with the Chicago Convention on International Civil Aviation,[1] France will on that occasion make the following proposals in order to preserve the security of civil aircraft: specific measures making it mandatory for military personnel to alert civilian authorities when realizing that a civil aircraft is in a dangerous situation; the speedy installation of compatible civil and military radio equipment, particularly for aircraft flying in sensitive areas; the introduction of greater precautions in interception procedures; and, finally, an amendment to the Chicago Convention containing a commitment to abstain from the use of force against civilian aircraft within the framework of the Charter of the United Nations.

95. On this last point I should like to recall the fact that France made a similar proposal 10 years ago at a diplomatic conference held in Rome. Although that initiative enjoyed wide support, it did not obtain the required majority. The air tragedy we have just experienced once again places the international community face to face with its responsibilities. Those who may once again dare to refuse adopting such a rule will have to answer to international public opinion.

96. Mr. LING Qing (China) (*interpretation from Chinese*): In my statement on 2 September [*2470th meeting*], I expressed the Chinese delegation's shock and regret at the shooting down of a South Korean civilian air liner by a Soviet fighter aircraft, causing the death of 269 passengers and crew members, including quite a number of our compatriots from China's Taiwan province and Hong Kong. We wish to express our condolences on the demise of the victims and sympathy to the bereaved families.

97. Available information from various sources indicated that the South Korean civilian aircraft strayed from the usual course and entered the airspace of the Soviet Union. However, it was a serious violation of the established norms ensuring safety of international civil aviation for the Soviet Union to shoot down the South Korean civilian air liner on the basis that it had entered Soviet airspace.

98. The Chinese Government is deeply concerned over the safety of civil aviation. The Chinese delegation agrees to the proposal of some delegations that investigations be conducted into this incident.

99. The Chinese delegation has listened with great attention to the statements made by various delegations. In view of the serious dispute over certain aspects of the incident, the Chinese delegation will abstain when the draft resolution contained in document S/15966/Rev.1 is put to the vote.

100. Mr. SALAH (Jordan) (*interpretation from Arabic*): The downing of the South Korean air liner and the attendant death of 269 passengers and crew, constitute a human tragedy. We feel deep sorrow and sadness at the loss of innocent civilian lives. My Government has extended condolences and sympathy to the States whose nationals were among the victims. We reiterate our heartfelt condolences to the victims' families and Governments.

101. The relationship between this tragic incident and the safety of international aviation on global routes needs no further affirmation. But what we must affirm is the necessity of ensuring the safety of civil aviation through the implementation of the articles of the Chicago Convention on International Civil Aviation of 1944,[1] including its special annexes defining the proper procedures in various situations. Compliance with those procedures would ensure the safety of civil aviation which is basic and vital for the States of the whole world for many reasons, the most important being the preservation of the lives and safety of civilian passengers and the maintenance of channels of communication between the peoples and Governments of the world. The safety of civil aviation constitutes a major factor in enhancing this interrelationship and the ensuing understanding and openness among peoples. Hence, international interest and the interests of world peace necessitate due compliance with rules and regulations governing civil aviation and the prevention of interference incompatible with those rules and regulations. We understand the interrelationship between sovereignty and security situations in certain violations and the principle of the safety of unimpeded civil aviation.

102. Any incident involving a civil air liner that might result in its loss and the loss of the lives of its innocent passengers is horrifying and should not be allowed to occur in the first place. Hence we feel that it is incumbent upon us, through joint international action, to avoid anything that might lead to the future recurrence of such an incident. To achieve this objective we feel that the provision of full information pertinent to such incidents is a matter of principle and necessity.

103. In this regard, we note that information pertinent to this catastrophe under review is still not available. Hence we support the proposal that further information be sought, especially concerning the technical role of ICAO, with a view to joint action to ensure that such incidents will not recur in future.

104. Proceeding from these human and technical considerations, I can state that Jordan endorses any action that will objectively and honestly ensure these considerations. We also welcome any call to observe the principles of international law in all circumstances and we expect all others to follow suit, especially those bearing a special responsibility for the safeguarding of international peace and security. Despite our support for everything that encourages compliance with the principles of international law and the provisions of the Charter of the United Nations, we cannot but feel perplexed at such a selective approach in this area. I need not go far in reminding members of the Council of flagrant examples of such behaviour. The integral link between all the elements of the maintenance of international peace and security impels us constantly to recall all practices incompatible with the search for stability in international peace and security. We should have liked the principles of international law to be observed by everyone and on all occasions, since selectivity and unilateralism in applying those principles have deprived such a call of a lot of credibility, as they affect the credibility of those invoking them. Furthermore, they have compromised the effectiveness and prestige of the Council, contributed to the continuation of tension and turbulence in international relations and made the mission of maintaining a stable and secure world an even more difficult task.

105. Having said all that, I must declare that we are not enthusiastic about the form which this tragic incident has assumed. We have witnessed and we do not approve of the consequences of the internationalization of this incident, which has become an element of the cold war between East and West.

106. Much as we sincerely sympathize with the Republic of Korea and with the families of the victims, we do not subscribe to, nor are we part of, the approach to this painful human incident in the context of the rivalry between the super-Powers. Such an orientation, regardless of its motives, which may seem legitimate, does not in our view serve the basic purpose which we are seeking through these deliberations, namely, to ensure a greater commitment to international safeguards concerning the safety of civil aviation. It is difficult for anyone here to deny the fact that mutual distrust and suspicion between the super-Powers cannot be separated from the circumstances which led to this painful incident. Therefore we would hope that our deliberations here have not doubled that distrust and suspicion between the super-Powers.

107. Finally, there are several paragraphs in draft resolution S/15966/Rev.1, of 12 September 1983, which we find difficult to support. While some of these paragraphs include prejudgements and are hence incompatible with the call for a full investigation, as contained in paragraph 6, some of them contain provisions beyond the scope of the issue before us. While we may to a certain degree accept the politicization of this incident, we do not agree with the content of paragraph 2 in particular. In addition to the fact that we still lack complete information about the circumstances leading to the downing of the plane and the loss of the lives of 269 civilian passengers whose death saddens us, that paragraph makes an absolute judgement on what has happened. This is done in the absence of full knowledge of all the circumstances surrounding the incident.

108. This paragraph is not confined to political and legal condemnation but includes a moral condemnation of what has happened. Hence it is difficult, if not impossible, to identify the moral responsibility, especially in the light of the discrepancy among the major accounts of this incident. It also betrays ideological rivalry between East and West, and the way this reflects on the foreign policy of the two Powers. Since this is incompatible with the desire for peaceful coexistence, and is not in full accord with the provisions of the Charter, especially those provisions that call for non-intervention in internal affairs, respect for the sovereignty of States, the right of self-determination, and especially the right of peoples to choose their political systems, we find it difficult to accept.

109. The position of Jordan on the draft resolution before us proceeds from our acceptance of the two sides, its humanitarian and technical aspects only.

110. Finally, Sir, while expressing to you our heartfelt congratulations on your assumption of the presidency of the Security Council for the month of September, I need not affirm that your wisdom, capability and diplomatic skills, well known to all of us, will assist you in leading our work this month to success.

111. I should also like to seize this opportunity to express to your predecessor, Mr. de La Barre de Nanteuil, the representative of France and President of the Council for the month of August, our deep thanks, appreciation and admiration for his efforts in conducting the business of the Council with his well-known expertise, wisdom and capability.

112. Mr. GAUCI (Malta): Since this is the first time I am speaking in this debate, permit me briefly to compliment you most warmly, Sir, both officially and personally, on your election to the presidency of the Council for this month, and also on the admirable way in which you have so far conducted the proceedings of the Council on matters of the greatest import to world peace and security. I would convey the same sentiments to your predecessor.

113. On the particular issue before us, we do not wish to enter into the substance, since the events that took place, unfortunately, have been clouded with too much uncertainty and the full story may perhaps not yet be known. What is certain is that there has been grievous loss of life to innocent civilians, and our first duty, therefore, is to regret the incident and to convey our deepest sense of sympathy and condolences to the families of the bereaved. We venture to express the hope that their sacrifice will not have been in vain; that, in fact, incidents such as this, and those that have preceeded it will never happen again in future.

114. Our primary concern must be to protect civil aviation. In order to attain this objective, it is important that expressions of outrage and regret on a matter of wide international concern not be lost in the mists of memory soon after they are pronounced. By themselves, most certainly, they are not enough. They must be followed with a deep resolve on the part of all of us, big and small nations alike, to work to ensure that such calamities will not be repeated in future. We should, therefore, seek to refine and enlarge the norms of international conduct which will ensure that, amongst other elements, nations undertake to give due notice to civilian aircraft that they are in violation of pertinent regulations, that they provide conditions for safe landing, if that is insisted upon, and that any necessary negotiations to ensure the safety of aircraft and respect for national sovereignty include all countries involved in any particular situation. We therefore fervently express the hope that the Secretary-General, utilizing expertise and experience gained, will work closely with ICAO to review and fully explore, with a view to their eventual acceptance, these and other fundamental elements designed to safeguard civilian aircraft in normal conditions and particularly in adverse circumstances.

115. We have asked for and obtained assurances that these attempts would be assiduously pursued in the coming meeting of ICAO, and on this understanding we will vote in favour of the draft resolution, as amended [*S/15966/Rev.1*].

116. The PRESIDENT: I should now like to make a statement in my capacity as the representative of GUYANA.

117. It was with deep distress and sorrow that Guyana learned on 1 September of the tragedy which befell 269 persons, passengers on board Korean Air Lines flight 007, travelling from New York to Seoul. The Government of Guyana profoundly regrets this incident which led to the loss of so many lives and brought grief to the bereaved relatives and friends. To them we express our sincere condolences.

118. The Guyanese people fully understand the grief felt, for we recall that nearly seven years ago, on 6 October 1976, a Cuban passenger plane was deliberately and callously destroyed by a bomb placed on board the aircraft in full flight by terrorists trained and succoured in countries of this region. Although the culprits have been apprehended, they have not yet been brought to justice. On that plane were 73 persons, among them 11 sons and daughters of Guyana on the threshold of adult life, who had been specifically selected to pursue in Cuba courses of advanced study. We wish, therefore, to reiterate our heartfelt sympathy and our condolences to the relatives of the victims.

119. There are, however, dimensions of the question of the Korean aircraft other than human tragedy. There is, for example, the destruction of a civilian aircraft and the correlative question of the guarantee of the future safety of civilian flights. There is the violation of a State's sovereignty, airspace and territorial integrity, and in this respect we in Guyana have experienced on numerous occasions the provocation of illegal overflights of our national territory. Some of these instances have been brought to the attention of the Council. There is also the question of aerial espionage.

120. We cannot condone the shooting down or destruction of a civilian aircraft legitimately fulfilling its purposes. Indeed, we deplore all such actions. All the facts concerning the incident are not known to Guyana and there are several grey areas. That notwithstanding, Guyana deeply regrets the evolution of events since 1 September, their cause and their effects.

121. We would urge that the circumstances require careful judgement and mature thought, for what is at stake is much larger than a victory in debate, a victory which may be a Pyrrhic victory, at any rate.

122. At stake are principles and objectives fundamental to the conduct of structured and civilized relations between States. These include the acceptance of responsibility where it properly lies, a determination to reinforce the sense of safety of civilian air transport, full respect for the sovereignty and territorial integrity of States, the affirmation of commitment by those who engage in such exer-

cises to avoid the provocations which espionage can induce and, generally, universal respect for international law.

123. We should seek to derive from the events since 1 September lessons which can benefit the safety of international civil aviation and promote international peace and security in general. What the tragedy underscores is the need, consistently stressed by the non-aligned countries, for a reduction in international tension in general and between the two super-Powers in particular, for it is the tension in the relations between those two States which lies at the heart of the tension prevailing in international relations today. The tragedy of the Korean air liner is already an unfortunately high price to pay. Guyana hopes that the lessons are learnt quickly and effectively before that objective exacts an even higher price in future.

124. The draft resolution presently under consideration [*ibid.*] addresses many of the issues I have raised. Unfortunately, like the circumstances surrounding the incident itself, this text leaves some questions unanswered and some issues unattended. Regrettably as well, there has been no attempt, as happened in the past with so many draft resolutions, to obtain the views of members informally with the objective of reaching broad consensus through the accommodation of amendments.

125. After the postponement of our meeting last Friday [*2474th meeting*], some of the sponsors did make contact with Guyana and we articulated to them some of our concerns. The ideas contained in the new fifth preambular paragraph reflect one aspect of those concerns, even though we would have liked to see the question of territorial integrity dealt with in a clearer and more forthright manner, not simply a reaffirmation of the importance of the principle but an unequivocal reaffirmation of the need for States to respect the sovereignty and territorial integrity of other States. As I have indicated earlier, this is an aspect to which Guyana attaches cardinal importance.

126. Unfortunately, however, we did have other concerns which neither time nor the nature of the consultation process permitted us to have considered. Guyana, for instance, would have wished to see some sort of consideration given to the questions of how and why the aircraft was over Soviet Territory. Was a civilian aircraft being utilized on a mission which was legitimately and exclusively civilian in character?

127. Also, in the way in which some of its paragraphs are worded the draft raises serious questions in our minds about the impartiality of its approach to the question we are supposed to be considering. For example, the need is stressed for a full and adequate explanation of the facts based upon impartial investigation. This wording clearly indicates a prejudging of the results of the investigation. We believe that the purpose of an investigation must be to ascertain facts, not to explain them.

128. At any rate, there seems to be an inconsistency between acknowledging, on the one hand, the need for an impartial investigation and, on the other, calling on the Secretary-General to report his findings within a particular time-frame—in this case 14 days. The interests of a truly impartial investigation seem to my delegation to require that no time limitation be placed on the Secretary-General. Conceivably the Secretary-General could well require more than 14 days to ascertain the facts. As my colleagues are aware, what was being advanced earlier as hard evidence is now being revised, even to this day.

129. Those are a few of the aspects which presented some difficulty for the delegation of Guyana and which we would have welcomed an opportunity to discuss with the drafters of the document in the manner which is now so common in the procedures of the Council. Therefore, while Guyana supports many of the elements contained in the draft resolution, we believe that the document does not deal with the totality of the concerns of the international community in this matter, including considerations of the legitimate uses of civilian air liners, the need for an impartial approach to the whole question, the need for the whole truth, the acceptance of responsibility where it properly lies, the need to reduce the tension in relations between the super-Powers and, in general, universal respect for international law. Guyana will therefore abstain in the vote on the present draft resolution.

130. I now resume my function as PRESIDENT.

131. I shall now put the draft resolution in document S/15966/Rev.1 to the vote.

A vote was taken by show of hands.

In favour: France, Jordan, Malta, Netherlands, Pakistan, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

Against: Poland, Union of Soviet Socialist Republics.

Abstaining: China, Guyana, Nicaragua, Zimbabwe.

The result of the vote was 9 in favour, 2 against and 4 abstentions.

The draft resolution was not adopted, the negative vote being that of a permanent member of the Council.

132. The PRESIDENT: I shall now call on those members of the Council who wish to make statements after the vote.

133. Sir John THOMSON (United Kingdom): This is a sombre moment. The Soviet Union, by vetoing the draft resolution before us, has shown that it is impervious to the strength of opinion round the world on this issue. The true callousness of the Soviet position has been made clear to the international community. Speaker after speaker at the Council table during the past 11 days has expressed shock and distress and a determination that the world community must learn the lessons from this tragedy and take steps to ensure that no such disaster should ever happen again.

134. These views were expressed with a unanimity which is rare in the Council, the sole exceptions being a small group of delegations which consider themselves obliged to follow the Soviet Union in everything, whether right or wrong.

135. This spontaneous surge of feeling, prompted by what the draft resolution referred to as "elementary considerations of humanity", has also been reflected in the resounding vote on the text. This text was a sober attempt to draw practical conclusions from a ghastly tragedy for which even the Soviet Union no longer denies all responsibility. Despite the strength of feeling in the sponsor countries and many others, it was carefully designed to be seen not as a propaganda document but as a practical document. How sad it is that the Soviet Union, having shown itself by its actions in the air on the night of 31 August/1 September to hold human life in contempt and disregard, should now reveal the same contempt and disregard for the deeply held feelings of the world community, as expressed in the Council and in the draft resolution.

136. By choosing through its veto to deny the right of the Council to express in measured terms our common horror at the tragedy which occurred, and our determination to prevent any recurrence in the future, the Soviet Union has shown contempt for this Organization, the Charter of the United Nations and the Secretary-General. By preventing the Secretary-General from investigating the circumstances of the tragedy, the Soviet Union has shown that its main concern is to suppress the true facts of the incident.

137. Nevertheless, I appeal to the Soviet authorities and urge them to respond to the views expressed in this debate by lending their whole-hearted co-operation to the efforts which will continue in other competent international bodies, especially ICAO, to devise practical measures to ensure the avoidance of any similar situation in the future.

138. As I have said, the Soviet response has ignored and set aside the moral dimension of this tragic incident and its potentially serious effects on international civil aviation. Instead, the Soviet defence has been of a narrow and legalistic kind, based upon the provisions of Soviet internal legislation and on claims that Soviet legislation is in accordance with international regulations. The provisions of the Soviet internal legislation in question have not been quoted to us. Whatever their content may be, there is a basic principle of international law that a State may not invoke the provisions of its internal law in order to evade or avoid its international obligations, least of all international obligations of as fundamental a character as have been an issue in the present debate.

139. My authorities believe that the reference was probably intended to be to article 36 of a new law on the Soviet State frontiers, passed in December of last year. It seems that this law authorizes the employment of military force against violations of the Soviet State frontiers in response to the use of force or in cases where stopping the violation or bringing about the detention of the violators cannot be effected by other means. Setting aside for the moment the fact that this provision appears to make no distinction between—in the present context—foreign military aircraft and civilian passenger aircraft, and the fact that it does not appear to cater at all for the possibility of an innocent mistake, let us look at the situation through the Soviet law on its own terms.

140. Clearly, there was no use of force by the Korean air liner, nor has this ever been alleged. Clearly, the use of heat-seeking missiles at close range can only have been intended to bring about the destruction of the aircraft, and cannot be regarded as a measure designed to achieve "the detention of the violators", in the words of the Soviet law. Finally, it appears from Soviet statements that the Korean air liner was in any event on the point of leaving Soviet airspace, into which it had strayed, so its destruction cannot be considered either as a necessary measure for "stopping the violation when this could not be effected by other means"—here again I have quoted the Soviet law.

141. Even on their own terms, the Soviet authorities have a great deal of explaining to do, and it is a matter of deep regret to my Government that they still refuse to do so. My Government regards such explanations as have been given as falling well short of a valid justification for the actions of the Soviet military authorities in international law. The continued failure of the Soviet Union to respond to requests for an adequate explanation of the incident, for a proper investigation of the facts, or, indeed, for a guarantee against any future repetition is especially regrettable and poses a threat to the safety of international civil aviation.

142. We regard the Soviet action as constituting a grave breach of international law for which the Soviet Union bears international responsibility. I have already reserved my Government's rights before the Council, given that the United Kingdom is one of the States injured by this grave breach of international law. At the appropriate place and time, my Government intends to take such action as may be necessary in relation to this breach.

143. In my earlier statement to the Council on 2 September [*2470th meeting*], I said that a frank and honest account of what really happened would do something to reduce the damage to the international climate caused by the destruction of Korean Air Lines flight 007. This is still not forthcoming. Although the Soviet position has moved from denial of responsibility to partial admission of it, we have not yet had a satisfactory explanation. On the contrary, the statements of the Soviet Union have been evasive and couched in cold-war language.

144. In my same statement, I expressed the hope that the appalling action by the Soviet authorities was not intended to be a signal of their intentions towards international relations as a whole. We still await an assurance on that point.

145. It is for those reasons that my delegation voted in favour of the draft resolution.

146. Mrs. KIRKPATRICK (United States of America): The issue we have been discussing now for more than a week bears directly upon the ability of all of us, working together, working singly, to secure and preserve peace in this world. It bears also on the readiness of Member States to take responsibility for achieving a civilized and peaceful international order.

147. Destruction of the civilian air liner of Korean Air Lines flight 007 was a deeply shocking act, but more disturbing than the deed itself has been the behaviour of the Soviet Government in the days since it shot down that plane. Had the Soviet Government taken responsibility for the action, admitted that a terrible mistake had been made, offered compensation to the families for the loss of life, and, in co-operation with other States, undertaken a review of the incident to ensure that such a tragedy would not recur, then the consequences of the event would have been contained and, to the degree possible, minimized. Nothing, to be sure, could reclaim the lives of those 269 people, but relations among nations would not have suffered, and civilian air travel might have been rendered less vulnerable to such errors in the future.

148. But, as we all know, the response of the Soviet Government has been quite different. Instead of admitting error, it has insisted that no error was made. Instead of taking responsibility for the act, it has lashed out with groundless accusations. Instead of taking steps to ensure against a repetition of such an incident, it has emphasized that it would do the same thing all over again.

149. By taking this position, the Soviet Union has magnified the negative consequences of a tragic incident and damaged anew the already tattered fabric of international relations. It has further poisoned the international atmosphere. For this, as for the incident itself, the Soviet Union must bear heavy responsibility.

150. During the past 10 days the Soviet Union has taken a position at once inconsistent and contradictory. It has been self-justifying and self-defeating in its statements. In its determined defence of this indefensible act, the Soviet Union has demonstrated an attitude that is as contemptuous of the truth as it is callous towards human life, an attitude underscored by its veto of the draft resolution before us today [*S/15966/Rev.1*]. For nearly a week the Soviet Union refused to admit it shot down flight 007; then it admitted to having fired warning shots; only after the public disclosure of the tape recordings in which the Soviet pilot told Soviet ground control that he had executed the order to destroy the target did the Soviet Government announce that one of its pilots had in fact "stopped the flight", as they euphemistically put it.

151. In the ensuing days we have heard a tangle of charges from the Soviet Union. On the one hand, it has been said that flight 007 was itself on a spy mission and therefore invited destruction; but it has also been said that the presence earlier in the evening in a remote area of an RC-135 reconnaissance plane, which was more than 1,500 miles away from the location of the incident, caused the Soviet pilot to mistake the two aircraft, thus acknowledging tacitly that the Korean Boeing-747 was not on a spy mission after all.

152. Not surprisingly, the testimony of the Soviet pilot who shot down the Korean plane corroborates the official Soviet version of events. The Korean pilot is dead and cannot refute this testimony. But it is interesting and significant, I believe, to note in this context the testimony given to *The New York Times* by Kim Chang Kyu, the pilot of the Korean Air Lines plane that strayed over Soviet airspace in 1978, thus becoming the target of a Soviet missile that sheared off nearly 15 feet of that plane's left wing and killed two of the plane's passengers. That pilot was able to regain control of the plane and to make an emergency landing on a frozen lake 400 miles north east of Leningrad. After I was shot down—the pilot recounts—the Russians made the same claims we're hearing now. They said, "We tracked you for more than two hours, flew around the plane, fired tracers in front of you"—all that. It sounds exactly the same this time.

153. Mr. Kim gives a different version of what actually happened. He tells us he saw the plane only once, off to the right and somewhat behind him. He thought this was strange, since international guidelines call for intercepting fighters to fly to the left of the plane, where the pilot sits. When Mr. Kim's co-pilot, who had a clearer view of the plane, reported that it bore the red Soviet star, Mr. Kim immediately slowed his speed and turned his landing lights off and on repeatedly, the recognized international signal that an aircraft will follow the interceptor's directions. In addition, Mr. Kim tried to establish contact with the Soviet craft, but the two planes' radios were on different frequencies. In any event, the next thing Mr. Kim knew, a missile fired by the Soviet pilot had torn off a good part of his plane's left wing.

154. In the light of this previous incident and in view of the established fact that the pilot of the Korean air liner made no radio transmissions indicating that he had been intercepted, one can only conclude that there was no communication with the pilot of the Korean aircraft in accordance with normal procedures and on normal emergency frequencies. The fact that the tapes now show that the Soviet pilot fired cannon bursts six minutes before he destroyed the Korean air liner does not alter this conclusion. Clearly the Korean pilot was not aware of the Soviet fighters nor was he aware that any warning was given. If shots were fired six minutes in advance of the fatal shot, it therefore seems likely that they were not tracers but regular normal cannon rounds, which are not visible. Even assuming, for the sake of argument, that the Soviet pilot had tried to establish communication with the pilot of the Korean air liner, but for some reason that we do not know had failed to get through, this would not justify shooting down a civilian air liner.

155. What conceivable harm could that plane have done, especially since it was within 60 seconds of leaving Soviet airspace, a fact that renders absurd the statement

by one of the Soviet pilots that the Boeing-747 might have been "carrying a bomb that might have fallen on my house"—presumably located in the Sea of Japan?

156. Let us recall for a moment the incident of almost two years ago the Soviet W-class submarine penetrated deep into restricted Swedish waters near Karlskrona Naval Base and ran aground there. In response to the protest of the Swedish Government, the Soviet Government said:

> "It was expected, of course, that the Swedish authorities would abide by existing international norm under which, if a foreign warship does not even observe the rules of a coastal State regarding passage through its territorial waters, the only thing the coastal State may do with respect to the given warship is to demand that it leave its territorial waters."

157. According to this unique interpretation of international law, if a Soviet warship—a warship, mind you—invades the territorial waters of another State, that State cannot even detain the warship, but must simply escort it out of its territorial waters. But if a civilian air liner with 269 people aboard happens to stray into Soviet airspace, the Soviet Union is justified in shooting it down, even as it is about to exit that airspace.

158. Mr. Leonid Zamyatin, the spokesman on the Central Committee for the General Secretary, Yuri Andropov, went so far as to say that Soviet air defence forces were humane to have waited so long before destroying the Korean air liner. How callous it is to talk about humaneness with regard to a ruthless act that resulted in 269 deaths. Is a Soviet warship entitled to more humane treatment than a civilian airplane?

159. The Soviet leadership refuses to concede the possibility that a civilian air liner travelling a scheduled flight with 269 people aboard might have strayed accidentally into its airspace, despite the fact that there have been 21 recorded incidents where civilian planes with similar navigational equipment have strayed off course. Here too, the incident of the Soviet W-class submarine offers an interesting analogy. In its statement to the Government of Sweden, the Soviet Government rejected the Swedish charge that this warship was engaged in "carrying out impermissible activities"—namely, spying. According to the Soviet statement, the submarine "went off course" as a result of the failure of its navigational instruments and resultant mistakes in position finding and therefore "entered unintentionally" the territorial waters of Sweden. "The Soviet side, taking into consideration the breakdown character of the incident, could rightfully expect at least a manifestation of correct attitude and objective appraisal of what happened".

160. Instead, it charged the Swedish Government with "distorting facts" and it flatly rejected the Swedish demand to "prevent the recurrence of such a gross violation", saying that "in this concrete case, this sounds like a demand to rule out the very possibility of breakdown situations occuring at sea. This demand is simply out of tune with common sense." Yet the Soviet Union finds it inconceivable that such a breakdown situation, to use their term, might have occurred in the case of a civilian air liner, Korean Air Lines flight 007.

161. Now we come to the final Soviet argument, its ultimate line of defence. It was stated in explicit terms last week by the Soviet Minister for Foreign Affairs, Andrei Gromyko: "We state that Soviet territory and the borders of the Soviet Union are sacred." It is on the basis of this principle that the top Soviet leadership has defended, and by so doing has assumed responsibility for, the destruction of a civilian air liner. In this context we should like to ask the Soviet Union: Are the borders of the Soviet Union more sacred than, say, the borders of Sweden, not to speak of the borders of Afghanistan? Are they more sacred than the airspace of the United States—which has frequently been violated by Soviet planes flying off-route over sensitive military facilities, though these planes have not been shot down as a result of such violations? And how, may we ask, can the Soviet Union reconcile this remarkable doctrine of absolute Soviet sovereignty, according to which the Soviet Union is within its rights to shoot down a civilian air liner that strays across its sacred borders, with its doctrine of limited sovereignty, propounded 15 years ago in relationship with the Soviet invasion of Czechoslovakia?

162. In the article in *Pravda* on 26 September 1968, where this doctrine of limited sovereignty was propounded, the Soviet Union not only claimed the right to invade any Soviet-bloc country that threatened to deviate from the path of fealty to Moscow but also claimed the right to intervene in the internal affairs of States not belonging to the Soviet bloc. This same article explains how the Soviet Union reconciles the doctrine of absolute Soviet sovereignty with the doctrine of limited sovereignty for everyone else, as well as with the norms of international law. Accordingly, it states:

> "Laws and the norms of law are subordinated to the laws of the class struggle and the laws of social development. The class approach to the matter cannot be discarded in the name of legalistic considerations. Whoever does so forfeits the only correct class-oriented criterion for evaluating legal norms and begins to measure events with the yardsticks of bourgeois law."

In other words, there are two forms of law: bourgeois law—which includes the Charter of the United Nations—and the laws of the class struggle. And there is no question that in the Soviet view the former are conditioned by and subordinate to the latter. This dual conception of international law accords to the Soviet Union absolute rights but no obligation to respect the rights of others, while it accords to all other States no rights but absolute obligations to respect the rights of the Soviet Union.

163. The destruction of Korean Air Lines flight 007 and especially, the manner in which the Soviet Union has defended that action have illuminated as few events in recent years the nature of the predicament that faces us all.

164. I should like to quote from a letter written by a Soviet citizen who is surely one of the outstanding and most courageous persons of our age. I am referring to Mr. Andrei Sakharov, whose letter was secretly transmitted to the outside world from within the Soviet Union, where he has been internally exiled. In his letter from exile, Mr. Sakharov warns that

> "The world is facing very difficult times and cruel cataclysms if the West and the developing countries, trying to find their place in the world, do not show the required firmness, unity and consistency in resisting the totalitarian challenge. This relates to Governments, to the intelligentsia, to businessmen and to all people. It is important that the common danger be fully understood. Everything else will then fall into place."

165. If the destruction of the Korean air liner helps us to understand the nature of the world in which we live and the dangers to our rights and laws therein, and helps us to show the necessary clarity and firmness in defending precisely the principles of international law contained in the Charter, then perhaps the 269 people aboard that ill-fated air liner will not have died in vain.

166. In closing, I should like to say that if there is one question which, above all, confronts the Council and the world in this debate and which is responded to by the draft resolution we have adopted, in spite of the veto, it is this: Does a nation which is not at war have the right to shoot down planes that enter its airspace without authorization? That is the question confronting us. The answer to that question must be no. We do not believe that the protection of the sovereignty of any nation gives that nation a right to shoot down any plane in peacetime, flying any place over its territory. We believe that this principle has beern endorsed by a majority of the Council in the draft resolution we have considered this afternoon. We stand ready to work with our colleagues to ensure greater safety for all passengers and pilots, indeed for all people.

167. Mr. MASHINGAIDZE (Zimbabwe): The delegation of the Republic of Zimbabwe is very pleased, Sir, to see you in the Chair this month, and we are very confident that under your wise and experienced leadership the Council will deal with all the matters before it in a very balanced manner.

168. We wish also to express our appreciation for the manner in which the representative of France, your predecessor, led the Council during the month of August.

169. I wish now to say a few words in explanation of my delegation's vote on the matter regarding the tragedy which befell the Korean plane, Korean Air Lines flight 007, on 1 September.

170. The Government of the Republic of Zimbabwe joins all those who have already expressed deep regret at the loss of 269 human lives. Needless to say, our deep condolences and sympathy go to the bereaved families and relatives, as well as to the Governments whose citizens were the unfortunate victims of this tragedy.

171. It is our most sincere hope that the facts and circumstances surrounding this tragedy will be fully explained by all the parties concerned, with a view to preventing a repetition of such tragic events in the future.

172. While our delegation regrets the tragic loss of human life in this incident, and while we urge that every effort be made to ensure maximum safety and security for international civil aviation, we have, however, been unable to vote for the draft resolution put before this Council, because we are not satisfied that all the facts and circumstances about the matter have been made known and fully explained to the international community. Moreover, we have yet to be convinced that other factors not relevant to the incident have not been brought to bear upon the international community's consideration of this matter.

173. In these circumstances, therefore, we felt that an abstention was the most appropriate action.

174. Mr. TINOCO FONSECA (Nicaragua) (*interpretation from Spanish*): Since this is the first occasion we have had to speak in the Council in the month of September, we should like to express our appreciation to you personally, Sir, and to the country you represent and our pleasure at seeing Guyana, a member of the Non-Aligned Movement, presiding over the Council.

175. We also wish to express our appreciation to the representative of France for the work done when he presided over the Council in the month of August.

176. With regard to the item the Council has been considering, the delegation of Nicaragua can only express its profound regret at the loss of human lives resulting from this incident. We express our sincere condolences to the families of the victims.

177. It is undeniable that the regrettable event we are deading with falls within the context of the high degree of tension characterizing the world situation at present. It is even more obvious that, as a result of this new incident, tension has become more acute and, unfortunately for our small non-aligned countries, is being reflected in the focal points of crisis and tension in the third world in the form of a hardening of policies and greater aggressiveness against our peoples and their aspirations for justice, national independence and peace.

178. Unfortunately, this situation is serving as fuel for those who wish to escalate war against peoples such as those of Palestine, Lebanon and Central America, among others. The Council cannot allow this regrettable situation of aggravation of international tension, no matter what the circumstances, to lead to or justify the taking of political and military decisions involving the use or threat of force in any region of the world.

179. The task of the Council as the supreme guardian of international peace is to promptly and in good faith devote its efforts towards the elimination, or at least the reduction, of present levels of the cold war and sources of

regional tension in order to bring about stable and lasting peace in the world.

180. The PRESIDENT: The next speaker is the representative of Japan. I invite him to take a place at the Council table and to make his statement.

181. Mr. KURODA (Japan): At this time I wish to register on behalf of the Government and the people of Japan our deeply felt indignation and strong protest against the Soviet Union for vetoing the draft resolution which, co-sponsored by many countries, including Japan, represents the conscience of the world.

182. The evidence which Japan provided the Council through the United States delegation on 6 September [*2471st meeting*] proved beyond a doubt that the Soviet Union committed the outrageous and barbaric act of shooting down with a missile an unarmed and defenceless civilian aircraft carrying 269 innocent passengers and crew members. Despite this disclosure of irrefutable facts, the Soviet Union has not only refused to admit responsibility for the destruction of the aircraft, but has also been futilely attempting to shift its responsibility onto third countries through various false allegations.

183. The Soviet Union's irresponsible and arrogant attitude is contrary to even the most elementary norms of conduct required of any member of the international community and, therefore, it must be firmly denounced.

184. Furthermore, the Soviet Union has just now committed still another act of blasphemy against world public opinion. Its rejection of this draft resolution which reflects the feelings of people throughout the world and is supported by the majority of Council members is nothing but a flagrant abuse of the veto power of a permanent member of the Council.

185. In view of the continued brazen behaviour of the Soviet Union, Japan, in collaboration with friendly nations the world over, will not relent in its efforts to investigate all the facts and compel the Soviet Union to accept its responsibility.

186. And so Japan once again strongly urges the Soviet Union to respond immediately and in good faith to the calls which my country and other members of the international community have made in this chamber.

187. The PRESIDENT: The Observer for the Republic of Korea has asked to speak, and I now call on him.

188. Mr. KIM (Republic of Korea): It was a sad and tragic event that led my Government to ask for a meeting of the Council 10 days ago [*S/15950*].

189. It was also a most brutal act of barbaric violence against innocent defenceless civilians that necessitated the meeting of the Council over these past 10 days.

190. Since the Security Council was called into session, I have been given the distinct privilege to speak in this august body four times. I now take the floor for the last time, following the veto by the Soviet Union of the draft resolution contained in document S/15966/Rev.1. I wish to take this occasion to express my profound gratitude to you, Mr. President, and other members of the Council for having provided me with such opportunity.

191. From the first urgent meeting of the Council [*2470th meeting*], the distinguished delegate of the Soviet Union has offered us nothing but lies and evasions. And today the Soviet Union shamelessly cast a veto on a draft resolution in which the Council calls for, among other things, a full investigation by an impartial authority, namely, the Secretary-General of the United Nations. The Soviet refusal to allow an investigation by an impartial authority can only be interpreted as an admission of guilt.

192. The distinguished representative of the Soviet Union this afternoon told us that the Soviet Government set up a commission to conduct an investigation into the tragic incident [*para. 58*]. It is, I believe, interesting to note in this regard that, while the Soviet Union talks about its own governmental commission for investigation, it has consistently rejected all requests from the interested parties to be allowed to approach the area of the tragic incident. The Soviet Union has also rejected all calls for an investigation by an impartial international body; that includes the specific call by the Council in the draft resolution for a full investigation by the Secretary-General of the United Nations. While rejecting all such calls for investigation by an impartial international organization, the Soviet Union continues to offer lies without evidence and evasions without justification. Despite its massive propaganda efforts, however, the Soviet Union has completely failed to enlist the support of a single State having any degree of political independence.

193. In my first statement before the Council on 2 September [*2470th meeting*], I presented the facts, as my Government knew them, regarding the destruction of Korean Air Lines flight 007 and the death of 269 innocent civilians aboard that plane.

194. During the course of this discussion in the Council, nothing has been said to disprove any of the facts I presented to the Council.

195. The verity of the information we had at the outset has been irrefutably demonstrated as more details surrounding the tragic incident became available. The evidence provided by the Japanese Government has conclusively established that the responsibility for the tragic incident lies with the Soviet Union and with the Soviet Union alone.

196. To be sure, the Soviet Union did try to deny at first even the fact of shooting down the unarmed civilian plane. Later, when confronted with the hard, irrefutable evidence presented in this chamber, the Soviet Government took the step of acknowledging its destruction of the civilian plane while denying responsibility for the crime. In fact, it went so far as to try to shift the responsibility for the crime to a State whose nationals were among the victims of the murder committed by Soviet military authorities.

197. In the course of moving from denial to a partial acknowledgement of its deed without accepting its guilt, the Government of the Union of Soviet Socialist Republics offered the world and this august body lies, evasions and more lies.

198. Marshal Nikolai Ogarkov, the Chief of Staff of the Armed Forces of the Soviet Union, for example, when asked at a Moscow press conference on 9 September to explain the discrepancy between the Soviet assertions that the Korean Air Lines Boeing-747 was showing no navigation lights and the tape recordings provided by the Japanese Government that had the fighter pilot making references to the lights, said that "the voice on the tape was the voice of one fighter pilot referring to the lights of another interceptor".

199. But, as we all know, the tape we heard in the Council last Tuesday clearly had the Soviet pilot saying "the target's pilot is blinking"—"the target's pilot is blinking".

200. Can it be that Soviet pilots routinely refer to each other's aircraft as a target? Such obviously cannot be the case. The truth must be, and I am sure it is, that Marshal Ogarkov was not telling the truth about what happened on the night of 1 September.

201. I should also like to call your attention to what Mr. Andrei Gromyko, the Minister for Foreign Affairs of the Soviet Union, said on 7 September. At the closing session of the Madrid meeting of the Conference on Security and Co-operation in Europe, Mr. Gromyko declared "Soviet territory, the borders of the Soviet Union are sacred". Mr. Gromyko also added that anyone intruding beyond the "sacred" borders of the Soviet Union would bear "the full brunt" of the kind of response the Soviet Union gave to the Korean Air Lines flight 007.

202. Does Mr. Gromyko mean to say that to the Soviet Union its borders are "sacred" but innocent human lives are not? The Soviet Minister's statement amounts to a declaration of war on anybody, any plane which may happen to stray into the Soviet airspace for whatever reason, be it mechanical or human error or any one of possible circumstances which may force a civilian air liner to veer off its predetermined course.

203. In fact, Mr. Gromyko's statement is nothing less than a rejection of legal and moral obligations the Soviet Union, as with all other civilized nations, must necessarily accept in order to ensure the safety of international civil aviation.

204. When I first reported the incident to the Council [*ibid.*], I outlined five steps my Government rightly believed itself entitled to demand of the Soviet Union.

205. Since then, my Government has received eloquent expressions of deep sympathy for our tragic loss and strong support for the demands we put forward to the Soviet Union, which I duly conveyed to my Government and people. On behalf of the Government and people of the Republic of Korea, I would like to take this occasion to express our profound gratitude to all the nations which have shown us friendship, compassion and common concern. I would particularly like to thank all those who supported my Government's position in the Council's deliberations.

206. As for the Soviet Union, I reaffirm my Government's determination to seek just fulfilment of our legitimate demands.

207. We reaffirm our demands not simply on our own behalf but to secure the future safety of all air travellers, whatever their nationality, and to prevent the use of armed force against international civil aviation.

208. Mr. President, if you will permit me, I should like to remind the Council members of one further point that I made in my first statement on 2 September. I explained that one of the reasons my Government is deeply troubled by the Soviet action on the night of 1 September was that the Soviet action was so clearly inconsistent with the goal of peace, and tension reduction, a goal my Government has been pursuing in the tense and historically troubled region of North-East Asia.

209. As is well known, the Republic of Korea is a divided nation. Having suffered through a tragic war not of our own making, our people yearn for peace, and my Government pursues a policy of peace above all. We have declared many times our willingness to open our doors to all those nations which harbour no hostile intentions against us and are willing to open their doors to us. Dialogue, reconciliation and normalization, we believe, are more conducive to peace and reduction of tension than hostile silence, rivalry and the absence of normal relations.

210. It was with such belief that, on 12 January 1981, President Chun Doo-Hwan of the Republic of Korea extended an invitation to the leader of North Korea to meet with him, to visit the Republic of Korea at any time of the latter's choosing and to discuss any issue in an effort to prevent war, assure peace and bring about the peaceful unification of the entire Korean peninsula.

211. Peace on the Korean peninsula, however, cannot be secured in isolation from its regional and global environment. This realization led my Government to view regional and global situations with intense interest and deep concern. The same realization now leads us to a deep and serious concern over the troubling implications of the Soviet's behaviour in this tragic incident.

212. Do the Soviet leaders realize the harm they have done to the cause of peace in North-East Asia and the world? Are they aware of the harm they have done to their own interests? Are they capable of understanding, although belatedly, that only through a candid admission of their responsibility for the tragic incident and a clear demonstration of willingness to fulfil our just demands, they can begin to help build a more peaceful world for which all yearn?

213. More than any other nation, the Soviet Union talks loudly of peace. But honest men and women everywhere know that peace is not achieved by slogans and propaganda. Those who are truly committed to peace must be willing to live by the rules which a civilized world observes to assure orderliness among its sovereign States. When the Soviet Union so clearly, so ruthlessly violates those rules and ignores protests from the injured, as it has been doing in this tragic incident involving the Korean Air Lines plane, the world has no choice but to conclude that all the talk of peace and all the slogans of peace so loudly and so busily propagated by the Soviet Union are nothing but an empty gesture at best, hypocrisy calculated to deceive the world and mislead the innocent.

214. I have already taken up more than my share of the Council's valuable time. Let me simply conclude by quoting from the words President Chun Doo-Hwan spoke on 7 September, a day which was declared by my Government as the National Day of Mourning for those who were killed aboard the Korean Air Lines plane shot down by the Soviet Union:

"No compassionate person could hold back tears at seeing a father who has lost his son throw the boy's sweater into the cold waters of the high seas near Sakhalin, crying out, 'My son, you must be freezing'. The grief-stricken, bereaved families suffer even greater sorrow because they could not hold funerals. They could not hold funerals because they could not even recover the bodies of the dead.

"Even if all our demands are met, it will not bring back their lost lives. But we hope to console the souls of those who met an undeserving death so that those who bear a grudge will be able to rest, even though belatedly, in peace."

215. The PRESIDENT: The Council has now concluded the present stage of its consideration of the item before it.

The meeting rose at 7.25 p.m.

NOTE

[1] United Nations, *Treaty Series*, vol. 15, No. 102.

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THIRTY-EIGHTH YEAR

2477th MEETING: 13 SEPTEMBER 1983

NEW YORK

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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2477th MEETING

Held in New York on Tuesday, 13 September 1983, at 10.30 a.m.

President: Mr. Noel G. SINCLAIR (Guyana).

Present: The representatives of the following States: China, France, Guyana, Jordan, Malta, Netherlands, Nicaragua, Pakistan, Poland, Togo, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire, Zimbabwe.

Provisional agenda (S/Agenda/2477)

1. Adoption of the agenda

2. Letter dated 12 September 1983 from the Deputy Minister for External Relations of Nicaragua addressed to the President of the Security Council (S/15975)

The meeting was called to order at 11.40 a.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 12 September 1983 from the Deputy Minister for External Relations of Nicaragua addressed to the President of the Security Council (S/15975)

1. The PRESIDENT: The Security Council is meeting today in response to the request contained in the letter dated 12 September 1983 from the Deputy Minister for External Relations of Nicaragua to the President of the Council in document S/15975.

2. I should like to draw the attention of members of the Council to document S/15979, also containing the text of a letter dated 12 September from the Deputy Minister for External Relations of Nicaragua to the President of the Security Council; and S/15980, with the text of a letter dated 12 September from the representative of Honduras to the President of the Security Council.

3. Mr. TINOCO (Nicaragua) (*interpretation from Spanish*): Mr. President, it is an honour for me once again to extend to you the greetings of my delegation and Government on the occasion of your chairing the Council during this month. Your ability and diplomatic experience will, without doubt, give wise and correct guidance to the work in which we are engaged.

4. Nicaragua is once again forced to resort to the Council in order to alert the international community and the Council itself to the alarming escalation of aggression that our country has suffered during the last few weeks. New successive and co-ordinated acts of aggression have occurred in recent days. Their nature and scope give rise to real concern, since they reveal that the level of assistance to Somozist and mercenary groups adopted and maintained by the United States Administration is increasing progressively.

5. We will not give an exhaustive account at this time of the latest attacks and violations of our territory during the past months; there have been hundreds of such cases since the last time Nicaragua came to the Council. However, it is necessary to mention here some particularly flagrant ones that have taken place during this last week which clearly demonstrate that the counter-revolutionary groups are being supplied with an increasing amount of sophisticated equipment.

6. At dawn on 8 September of this year a Cessna 404 airplane bombed Agusto César Sandino International Airport in Managua and the Sandinist air force installations. At the same time, another counter-revolutionary airplane bombed a residential community, the objective here being the home of the Minister for External Relations, Father Miguel D'Escoto Brockmann. In the first attack two 500-pound bombs of United States manufacture were dropped. Three officials of the Sandinist air force were wounded, and a civilian, a student employed by the airport customs, Miguel Erwin García, 21 years old, died of burns suffered in the bombing. The airplane that carried out the attack was downed by the national anti-aircraft defence; both pilots died in the crash. The documentation found indicated that one of them, Agustín Román Maradiaga, was a Somozist who had been granted asylum in the United States. We will give more information on him further on. In the second attack, the other airplane dropped a bomb similar to the ones dropped in the first, that is, a bomb of United States manufacture. It fell in the vicinity of the Central American College, a private school run by the Jesuits—a school where more than 1,500 children study. Fortunately, there was only material damage, involving the destruction of lamps and windows in the school and in a dozen homes in the surrounding area. There was no loss of human life.

7. On the following day, 9 September, at 5.30 a.m., two T-28 type airplanes, painted in camouflage colours and originating from Honduran airspace, violated our national airspace and attacked the port of Corinto, Nicaragua's most important port on its Pacific coast. It dropped four high-explosive bombs. On this occasion the objectives

were a strategic bridge, the docks and the fuel tanks of that port. The national anti-aircraft defence reacted immediately and prevented the aircraft from manoeuvring freely, thus making it impossible for any bombs to hit the objectives. However, some of the fuel tanks containing flammable liquids, particularly methyl ketone and hexane, were penetrated by shrapnel, which caused leaks and made it necessary to evacuate more than 5,000 civilians from among the population of Corinto, due to the danger they faced. One of the airplanes was hit by national anti-aircraft defence fire and headed south. The other one retreated towards Honduran airspace.

8. On the same day, 9 September, at 1500 hours, an aircraft of undetermined type proceeding from Costa Rican airspace illegally penetrated Nicaraguan airspace in the area of Bolsillo and La Juana Island, department of Río San Juan. It carried out manoeuvres in support of counter-revolutionary attacks four kilometres from the Costa Rican border, as a result of which it was downed by artillery and rocket fire of the Sandinist People's Army anti-aircraft defence.

9. On the same day, 9 September, at 1900 hours, three aircraft also proceeding from Costa Rican airspace violated Nicaraguan airspace and attempted to attack the Cibalsa military unit in the department of Rivas. Again the national anti-aircraft defence proceeded to repel the attack and forced the aircraft to return to their place of origin.

10. On the same day, two T-33 aircraft originating in Honduran airspace penetrated all the way into the Matagalpa department on reconnaissance missions.

11. The Government of Nicaragua is convinced that these counter-revolutionary activities which originate in Costa Rican territory are not approved by the Government of that country. Through frequent dialogue and a constructive and mature relationship, our two Governments seek formulas that will prevent incidents of this nature.

12. This brief account of the facts leads us to conclude that military actions are taking place from the north and the south and confirms the co-ordination that the United States Central Intelligence Agency (CIA), which controls all the counter-revolutionary activities against Nicaragua, has been able to establish between Somozist guardsmen of the so-called Nicaraguan Democratic Force, whose base of operation is located in Honduras, and the counter-revolutionary and mercenary forces which operate along the southern border.

13. We are struck by the fact that the civilian and military targets to which we have referred are a key element in the analysis and presentations made public by the President of the United States, Mr. Ronald Reagan. One of those civilian targets—the Agusto César Sandino International Airport, which any traveller can use—was the object of a show by President Reagan on 23 March of this year, in the course of which he presented a series of photographs supposedly to demonstrate that the civilian airport harboured an extraordinary military device. We stress that to find out what exists at our only international airport, no satellites, no AWACS or any other type of complicated spy planes such as those being used by the Reagan Administration, which are operating illegally in our airspace, are necessary. We emphasize that the anti-aircraft batteries depicted in photographs presented by President Reagan as "dangerous" weapons serve only to defend us from attacks by those sent from the United States. One need only land at the Sandino International Airport on any international flight to realize that there is nothing there that comes even close to what President Reagan so fears.

14. With reference to those illegal flights, it is appropriate to note that last week the Costa Rican people complained about the tremendous noise of the North American spy planes when they break the sound barrier flying over Costa Rican soil.

15. The other objective of these attacks, the port of Corinto, is, according to the military calculations of the President of the United States as expressed at the same conference on 23 March, the port of entry for weapons and military equipment that, according to his own statement, pose a danger to the region.

16. Against that background, do those attacks not seem directly linked to such extraordinary accusations?

17. This concern is further strengthened when we consider, in addition to the Reagan Administration's overt support for the criminal forces of the so-called Nicaraguan Democratic Front, the collusion of that Government with the counter-revolutionary forces that operate in the south.

18. Let us recall that several months ago the counter-revolutionary forces operating in the south made a dramatic appeal to the Reagan Administration to support their military operations against the Sandinist people's revolution by providing them with funds, arms and training, since otherwise, they said, they would be forced to abandon their activities. In other words, "Either the United States gives us massive support, just like the support given the counter-revolutionaries operating in the north, or we retreat". Shortly thereafter, those counter-revolutionaries operating along the southern border began to carry out new activities, and it is obvious that they have acquired bigger and better means for their counter-revolutionary operations, including a virtual air force. All of that demonstrates that the help requested from Washington flows effectively and rapidly.

19. *The Miami Herald*, in its issue of 9 September 1983, revealed that mysterious donations, supposedly from the CIA, have strengthened counter-revolutionary groups operating along the southern border. One of the leaders of the counter-revolutionary group ARDE (Revolutionary Democratic Alliance), when questioned about the origin of those donations, answered that he suspected they were from the CIA. The same counter-revolutionary leader admits, according to *New York* magazine of 12 September, that one half of the monthly personal operational budget of the counter-revolutionary leadership in the south,

approximately $450,000, comes from United States intelligence sources. Where else but from the omnipresent CIA?

20. The money which comes out of the pockets of American taxpayers, by way of the CIA budget and its programme against the Nicaraguan revolution, is being used not only to attempt to destroy that revolution and overthrow its Government, but also to terrorize our people and inflict even greater suffering upon them. American taxpayers' money is being used in Nicaragua to assassinate teachers and to slit the throats of peasant families. The last 18 peasants victimized in this manner were from Waya district, Rùo Blanco, in the department of Matagalpa, on 3 September. This money is used to terrorize the population in the border areas and to buy aeroplanes of all sizes to bomb civilian targets indiscriminately—for example, in the suburb of Villa Fontana in Managua. In that bombing, which was denounced on 8 September, the lives of thousands of students at the Central American College and of thousands of residents were endangered. The same thing happened in Corinto, where the lives not only of the 5,000 residents of the area near the petrol tanks attacked on 8 September, but of hundreds of long-shoremen at the port, who were at work at the time, were endangered. There could have been a massacre.

21. Terrorism both selective and indiscriminate, is the translation in Nicaragua of what officials of the American Administration describe as "pressure", the policy of "putting pressure on Nicaragua", which according to those same officials is yielding results: death and terror.

22. The responsibility of the present United States Government for these acts of aggression is very clear. Its own representatives are not in the least hesitant to admit it. To give only a few of the more recent examples, I draw the Council's attention to what President Reagan said at his press conference on 21 July, to the effect that it is extremely difficult to achieve peace in Central America while the Sandinist Government is in power in Nicaragua. It is also interesting to recall the statement of an American diplomat, reflecting the true sentiments of the American leader, when he told Beth Nissen, of the weekly *Newsweek*, that the only thing the Sandinistas could do to please the White House would be to shoot themselves. There have been statements along the same lines by the United States Secretary of Defense, Caspar Weinberger, who affirmed during his recent trip to Central America that the American Administration's present aggressive policy is "the correct path". He added, "We should not stop now".

23. In corroboration of all this, *The New York Times* of 12 September, in an article datelined Washington, 11 September, informed us that Fred C. Iklé, Under-Secretary of Defense for Policy and third-ranking official in the Pentagon, had outlined the Administration's position with respect to the Nicaraguan Government and revolution in a speech to the Baltimore Council on Foreign Affairs, in which he said, "We must prevent consolidation of a Sandinista régime in Nicaragua that would become an arsenal for insurgency."

24. Today *The Washington Post*, on page A12, in an article headed "Central America Military Victory Called Necessity", referring to the statement made yesterday by Mr. Iklé, says:

> "Fred C. Ikle, the third-ranking official in the Defense Department, last night called for a military victory in Central America, saying negotiations alone cannot resolve current conflicts there.
>
> ". . .
>
> "In addition to seeking more military and economic aid for El Salvador and rightist insurgents in Nicaragua, the Reagan Administration has decided to increase by as many as 11 the number of U.S. military personnel in El Salvador".*

Later the article quotes Mr. Iklé as saying:

> "'Let me make this clear to you,' Ikle continued, 'we do not seek a military defeat for our friends. We do not seek a military stalemate. We seek victory for the forces of democracy.'
>
> ". . .
>
> "Ikle urged continuation of covert aid to 'democratic resistance forces in Nicaragua.' Any other action, he said, 'would turn Nicaragua into a sanctuary from which the nations of Central America could be safely attacked, but in which U.S.-supported forces could not operate.'
>
> "A strong and unthreatened Nicaragua, in turn, could force the United States to place troops in neighboring countries, 'as in Korea and West Germany,' Ikle said. 'Clearly, we must prevent such a partition of Central America.'"*

25. These quotations from a statement by Mr. Iklé, of the Pentagon, clearly reflect the policy which the American Administration has been following and which it plans to continue in the coming days, with great danger to peace in Central America and in Latin America in general.

26. These clear expressions publicly acknowledging the Reagan Administration's responsibility for the aggression against Nicaragua and its intention to destroy our revolution can now be confirmed by documents found on one of the counter-revolutionary pilots of the airplane which bombed the international airport at Managua and which was brought down by the Sandinist anti-aircraft forces. Documents such as the resident alien card, the permit to re-enter the United States with multiple entries, and the pilot's licence issued in Miami, among others, clearly indicate all the facilities and support given to the counter-revolutionary Agustín Román by the American authorities just a few weeks after he went into exile, so that he could carry out his counter-revolutionary activities. It should be

* Quoted in English by the speaker.

recalled that thousands of Nicaraguans who have lived in the United States for several years have great difficulty in acquiring the minimum documentary or legal assistance for their stay in this country.

27. If we pause to review the pilot's log of that counter-revolutionary, we note his constant journeys between Miami and various Central American countries and between Miami and other United States cities in various types of transport aircraft, including the DC-6 and the Boeing 727. We are absolutely sure that this individual was not working for any commercial airline but that the aircraft mentioned, acquired with CIA money for the counter-revolution, transported arms and all kinds of supplies for its activities against Nicaragua. We are also certain that they are the same ones used to bomb our people.

28. In order for the Security Council to become aware of the true dimension of the aggression perpetrated against the Nicaraguan revolution, an aggression shamelessly supported by the United States, we believe it useful to present some of the originals of the documents taken from the pilot who was shot down over Sandino Airport in Managua.

29. Representatives can see the pilot's resident alien card as well as his Social Security card, documents which thousands of Nicaraguans who have resided in the United States for many months and years would have liked to obtain in the way that this counter-revolutionary received them only a few weeks after arriving in the country. We should also like to show representatives the permit to re-enter the United States, a kind of passport for those who have found asylum in this country. Inside this document we see that the subject, a person who supposedly found asylum here, has the visa and the right to enter and leave the United States, precisely in order to carry out the counter-revolutionary activities which the CIA has been having him perform.

30. It is also interesting to look again at the pilot's log of the pilot of the downed aircraft. If we look carefully at the flight records, all of which bear the signature of the counter-revolutionary pilot, Agustín Román, we see that he made constant flights between Miami and various Central American and Latin American cities, undoubtedly to make contact with the CIA networks in the Agency's efforts to overthrow the Nicaraguan Government.

31. We see, for instance, flights in DC-6 and Boeing 727 aircraft and in all kinds of aircraft from Miami to Latin American cities. On 17 June, for example, we see that he flew a DC-6 aircraft, identification number 666P, from Miami to Panama; on 18 December, in the same DC-6, number 666P, he flew back from Panama to Miami; on 25 June, in the same DC-6, number 666P, he flew from Miami to El Salvador; on 26 June, in the same DC-6, he flew from El Salvador to Miami; on 28 June, in a Boeing 727, identification number D18AL, he flew from Miami to John F. Kennedy Airport in New York; on 30 June, two days later and in the same Boeing 727, he flew from JFK Airport to Miami and thence immediately to Honduras.

32. This constitutes clear proof of the ease with which the American authorities grant facilities and aircraft to counter-revolutionaries who attack the Nicaraguan revolution, bomb civilian targets and thus endanger peace in Central America. The members of the Council will have all this information, which has been photocopied, available to them.

33. Regrettably, war continues to be at the heart of the policy of the United States Administration towards Central America and Nicaragua. It does not want peace or dialogue, it wants blindly to destroy the aspirations for justice and national independence of the Central American peoples. In the eyes of the ultra-right executive power in this country, these aspirations are impertinent and intolerant threats to the interests of the empire and its goal of domination in the area.

34. Examples and proof of this warmongering policy abound; recent and very eloquent examples can be mentioned. For example, in response to the serious and painstaking proposal put forward by the Presidents of Colombia, Mexico, Venezuela and Panama on 17 July in Cancún [*see S/15877, annex*] in an attempt to prevent the generalization of war in Central America, the United States expressed verbal "support", but then a few days later its specific response on the ground was to send its war fleet to the coasts of Nicaragua and thousands of United States Marines to Honduras, contrary to the specific request of the aforementioned Presidents to abstain from any measure that might increase tension in Central America.

35. Similarly, on 19 July, in response to our serious and responsible six-point proposal [*see S/15878, annex*], put forward in this very Council, the United States again expressed, in the words of President Reagan himself, that it had been a "positive step". Nevertheless the fact was that they proceeded to send their war fleet and thousands of Marines for joint manoeuvres with Honduras. Today, two months after submission of the peace proposal for Central America and after it had been verbally considered as a positive step by President Reagan, we have not received the slightest response, comment or observation on it.

36. Consistent with this same warmongering policy of the Administration, while the countries of the Contadora Group and the five Central American countries were meeting recently on 7, 8 and 9 September in Panama, laboriously trying to find a way to understanding and détente in Central America, the CIA was instigating the bombing of Managua and Corinto and Defense Secretary Weinberger was visiting Central America and emphasizing the continuation of military measures as a basic element of the Administration's policy towards Central America.

37. The spectre of a generalized conflagration in Central America as a result of this policy of war and aggression is a painful reality in our region. As long as the hegemonist, ultra-conservative sectors of the present United States Administration continue to believe that the national interest of the United States is incompatible with the independence of the Central American republics, as long as they

continue to think the quest for internal social justice by those countries should of necessity not go beyond their own conception of justice and social relations and as long as the principle of the national security of the United States continues to be perceived as contradictory to the natural tendency of Latin American nations towards non-alignment and political independence, those conservative sectors will continue to follow misguided policies and to place our peoples in grave danger and in situations of great tension.

38. For its part, Nicaragua reiterates its constant readiness for dialogue and understanding with the United States and with even greater reason with our Central American brothers.

39. The PRESIDENT: There are no further speakers. The Security Council will remain seized of the matter.

The meeting rose at 12.15 p.m.

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